

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Fred Ayres III
Debtor(s)

Bankruptcy Case No.: 20-20296-CMB
Per August 12, 2021 Proceeding
Chapter: 13
Docket No.: 105 – 98, 103
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 15, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1856.00 as of August, 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Allegheny County (Cl #5); Borough of Bridgeville Swg (Cl #6); South Fayette Township (Cl #9) .
- ☒ H. Additional Terms: Fee application needed if any fees (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(1) Provision for Bridgeville Boro (\$307.01) in plan is stricken.

(2) Lump sum from sale of 342 Church Street, after Tee fees is to be first used to pay general uns in full, with the surplus to be used for general plan funding.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 13, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Fred Ayres, III
Debtor

Case No. 20-20296-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Aug 13, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2021:

Recip ID	Recipient Name and Address
db	+ Fred Ayres, III, 344 Church Street, Bridgeville, PA 15017-1809
cr	+ Borough of Bridgeville, GRB Law, 437 Grant Street 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES OF AMERICA 15219-6101
cr	+ Chartiers Valley School District, GRB Law, 437 Grant Street 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES OF AMERICA 15219-6101
cr	+ County of Allegheny, GRB Law, 437 Grant Street 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES OF AMERICA 15219-6101
cr	+ New Residential Mortgage Loan Trust 2017-3, Robertson, Anschutz, Schneid & Crane LLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
cr	+ South Fayette School District, GRB Law, 437 Grant Street 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES OF AMERICA 15219-6101
cr	+ Township of South Fayette, GRB Law, 437 Grant Street 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES OF AMERICA 15219-6101
15189921	+ Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
15229304	+ Borough of Bridgeville, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15189922	+ Bridgeville Borough, 425 Bower Hill road, Bridgeville, PA 15017-2379
15189923	+ Chartier Valley School District, 2030 Swallow Hill Road, Pittsburgh, PA 15220-1699
15229307	+ Chartiers Valley School District, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15229300	+ County of Allegheny, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15189926	+ Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
15222780	+ NEW RESIDENTIAL MORTGAGE LOAN TRUST 2017-3, NATIONSTAR MORTGAGE LLC DBA MR.COOPER, ATTN: BANKRUPTCY DEPT, PO BOX 619096, DALLAS, TX 75261-9096
15189927	+ New Residential Mortgage, Loan Trust 2017-3, c/o PHH Mortgage Corporation, One Mortgage Way, Mount Laurel, NJ 08054-4637
15208216	+ Northwest Bank, P.O. Box 337, Warren, PA 16365-0337
15189928	+ Northwest Bank, PO Box 1793, Warren, PA 16365-6793
15189929	+ PHH Mortgage, PO Box 5459, Mount Laurel, NJ 08054-5459
15189930	+ Robert Crawley, Esquire, RAS Citron, LLC, 133 Gaither Drive, Suite F, Mount Laurel, NJ 08054-1710
15189931	+ Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250
15189932	+ Select Portfolio Servicing, 1123 Parkview Drive, Covina, CA 91724-3765
15189933	+ South Fayette SD and Township, 515 Millers Run Road, Morgan, PA 15064-9726
15229309	+ South Fayette School District, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15229350	+ Township of South Fayette, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15227154	U.S. Bank National Association, et al, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
15189935	+ Visa, PO Box 6818, Carol Stream, IL 60197-6818

TOTAL: 28

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15198068	Email/Text: Bankruptcy.RI@Citizensbank.com	Aug 13 2021 23:13:00	Citizens Bank N.A., One Citizens Bank Way, JCA115, Johnston, Rhode Island 02919
15189924	+ Email/Text: Bankruptcy.RI@Citizensbank.com	Aug 13 2021 23:13:00	Citizens Auto Finance, 480 Jefferson Blvd., Warwick, RI 02886-1359
15189925	+ Email/Text: bankruptcydpt@mcmcg.com		

District/off: 0315-2

User: gamr

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15189934 + Email/PDF: gecsed@recoverycorp.com

Aug 13 2021 23:13:00 Midland Credit Management Inc, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709

Aug 13 2021 23:26:37 Synchrony Bank, PO Box 965005, Orlando, FL 32896-5005

TOTAL: 4

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		U.S. Bank National Association, as indenture trust

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor U.S. Bank National Association as indenture trustee, for the holders of the CIM Trust 2017-3, Mortgage-Backed Notes, Series 2017-3 bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 bnicholas@kmlawgroup.com
Brian C. Thompson	on behalf of Debtor Fred Ayres III bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.com
Charles Griffin Wohlrab	on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 cwohrlab@raslg.com
David Neeren	on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 dneeren@rasnj.com
Jeffrey R. Hunt	on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor Township of South Fayette jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor Borough of Bridgeville jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor South Fayette School District jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor Chartiers Valley School District jhunt@grblaw.com cnoroski@grblaw.com

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Kristen D. Little

on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 pabk@logs.com klittle@logs.com;logsecf@logs.com

Maria Miksich

on behalf of Creditor U.S. Bank National Association as indenture trustee, for the holders of the CIM Trust 2017-3, Mortgage-Backed Notes, Series 2017-3 mmiksich@kmlawgroup.com

Maria Miksich

on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 mmiksich@kmlawgroup.com

Michael John Clark

on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 mclark@squirelaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ccfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

Sindi Mncina

on behalf of Creditor New Residential Mortgage Loan Trust 2017-3 smncina@rascrane.com

TOTAL: 18